

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Petra Cirpus et al.

Application No.: 10/590,958

Confirmation No.: 9681

Filed: August 25, 2006

Art Unit: 1638

For: METHOD FOR PRODUCING  
UNSATURATED OMEGA-3-FATTY ACIDS  
IN TRANSGENIC ORGANISMS

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Examiner: Elizabeth F. McElwain

**SUPPLEMENTAL RESPONSE UNDER 37 CFR §1.116**

MS AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Office Action dated November 18, 2009, and the Advisory Action dated February 5, 2010 in the above-referenced application. This Supplemental Response Under 37 CFR § 1.116 supplements the Amendment and Reply Under 37 CFR § 1.116 filed on January 18, 2010 and is being timely filed as a petition for a one-month extension of time with the required fee is being submitted hereinwith. The previously-filed claim amendments dated January 18, 2010 were entered as indicated on the Advisory Action dated February 5, 2010. Claims 1, 2, 4-9 and 25-38 remain provisionally rejected on the ground of nonstatutory obviousness-type double patenting as unpatentable over claim 3 of co-pending U.S. Application Serial No. 10/566,944. In order to expedite prosecution, Applicants enclose herewith a terminal disclaimer believed to be in compliance with 37 CFR 1.321(c) with the required fee payment. Withdrawal of the rejection and allowance of the claims is respectfully requested in light of the terminal disclaimer. If any outstanding issues remain, the Examiner is invited to telephone the undersigned at the number given below.

Applicants reserve all rights to pursue the non-elected claims and subject matter in one or more divisional applications, if necessary.

Accompanying this response is a petition for a one-month extension of time to and including February 18, 2010 to respond to the Office Action mailed November 18, 2009 with the required fee payment. No further fee is believed due. However, if any additional fee is due, the Director is hereby authorized to charge our Deposit Account No. 03-2775, under Order No. 13987-00019-US from which the undersigned is authorized to draw.

Respectfully submitted,

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